

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

DERRICK SCOTT, )  
Petitioner, )  
vs. ) Case No. 1:04CV150 RWS  
UNITED STATES OF AMERICA, )  
Respondent. )

## **MEMORANDUM AND ORDER**

This matter is before me on petitioner's motion to amend his § 2255 motion. On February 27, 2006, I denied his § 2255 motion and certificate of appealability. The Eighth Circuit Court of Appeals denied petitioner's motion for certificate of appealability and dismissed his appeal on December 7, 2006, and the mandate issued on February 6, 2007. The United States Supreme Court denied petitioner's petition for a writ of certiorari on March 26, 2007. Petitioner then filed a motion for reconsideration on February 5, 2009, which I denied on February 6, 2009. The Eighth Circuit Court of Appeals summarily affirmed the denial of the motion for reconsideration on April 8, 2009. Petitioner then filed a second motion for reconsideration on April 28, 2009, which I denied on May 20, 2009. Petitioner sought a third time to reconsider the denial of his § 2255 motion, which I denied on April 4, 2011. Petitioner appealed that denial, which was summarily affirmed by the Eighth Circuit on June 10, 2011. Now, petitioner seeks to amend his § 2255 petition which was denied over six years ago. In his latest motion, which is really just another motion to reconsider the denial of his § 2255 motion, petitioner seeks to revive claims that were previously denied in his § 2255 motion. Because petitioner's latest motion is

untimely and presents no legal or factual arguments demonstrating that he is entitled to relief, the motion will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion to amend [#50] is denied.



RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 14th day of November, 2012.